

### **REMARKS/ARGUMENTS**

This is a reply to the Final Office Action dated April 16, 2007.

#### **Status of Claims**

Claims 1, 2, 4, 5, 6, and 8 are currently pending in this application. Claims 3, 7 and 9-14 have been canceled. No new claims are added at this time. Claims 1, 2, 4, 5, 6 and 8 are currently amended.

#### **Amendments Discussion**

Claims 1, 2, 4, 5, 6 and 8 have been amended to clarify that the nonwoven anti-microbial wipe is a *single-use* wipe (e.g., page 1, lines 24-29; page 2, lines 24-26). Claim 1 also incorporates the recitation of claim 3, and claim 5 incorporates the recitations of claim 9. Claims 4 and 5, as with claim 1, also clarify that the cationic anti-microbial agent is a cationic dual quaternary ammonia anti-microbial agent. No new matter has been introduced.

#### **Obviousness Double Patenting Rejection**

Claims 1-6, 8 and 9 were provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application no. 10/762,945.

As respectively amended, the applicants submit that the currently amended claims of the present application would not be obvious over the recently amended claims of the copending Application no. 10/762,945, if the latter were patented. The present amended claims recite, *inter alia*, a single-use nonwoven anti-microbial wipe comprising a nonwoven treated with a non-ionic binder and a cationic dual quaternary ammonia anti-microbial agent, while the amended claims of copending Application no. 10/762,945 recite, *inter alia*, a nonwoven treated with an anionic binder and an anionic dual quaternary ammonia, potassium iodide, or sodium hypochloride antimicrobial agent. Therefore, the presently amended claims would not be obvious over the amended claims of said copending application, if patented.

In addition, with respect to this provisional obviousness-type double patenting rejection based on applicant's co-pending application number 10/762,945, the present application has an earlier effective U.S. filing date than applicant's co-pending application. Therefore, the applicants should not be required to submit a Terminal Disclaimer in the response to this provisional rejection in view of the provisions of MPEP §804(I)(B)(1). As the MPEP instructs in

that section, if this provisional obviousness-type double patenting is the only remaining issue with regard to the patentability of the present application, then the Examiner should proceed with allowing the present application as the earlier filed application relative to the co-pending Application No. 10/762,945 without requiring submission of a terminal disclaimer in the instant application.

For these reasons, it is respectfully submitted that this provisional rejection should be withdrawn.

Anticipation Rejection

Claims 1-6, 8 and 9 have been rejected under 35 USC §102(b) as being anticipated by Radwanski et al. (U.S. Pat. No. 6,734,157).

The Office Action indicates that the Radwanski et al. reference discloses making wipes that provide controlled release antimicrobial agent. The Office Action indicates that the reference teaches an antimicrobial agent that may be applied while the fibers are being made or incorporated with the substrate or applied as a coating and adhered to the substrate layer. The Office Action references column 3 of the reference for combining the antimicrobial agents with various polymers, binders or a combination thereof. The Office Action indicates that the substrate may be hydroentangled, and the antimicrobial agent can be of quaternary type, and that the antimicrobial agent that is applied to the substrate is activated or released upon contact with water.

The presently claimed invention is related to a *single-use* nonwoven substrate comprised of *non-ionic binder* or a combination of a non-ionic and a cationic binder, as well as a *cationic dual quaternary ammonia anti-microbial agent* that is readily released upon being introduced to a water source. The single-use wipe comprised of a non-ionic binder or a non-ionic/cationic binder mixture has a low affinity for a cationic disinfecting solution and the weak bonds formed between the binder and disinfectant are easily broken. The resulting wipe more readily releases the disinfectant into a water source and will not attract and retain a charged disinfectant that could possibly prematurely deplete the effectiveness of a sanitizing solution. This wipe is useful, for example, as a hard surface wipe for the food service or hospitality industry, where it is advantageous to utilize a limited or single use nonwoven wipe to prevent the build up of bacteria that tends to accumulate within a standing damp sponge or terry cloth towel. The present single-use wipe avoids bacterial build-up problems, which may become associated with re-usable

wipes.

Radwanski et al. is directed to re-usable wipes that can “remain effective after repeated washing and rinsing operations” (col. 2, lines 27-29; col. 4, lines 54-65). Radwanski et al. refer to “soluble binders” as used to “modulate the controlled release properties of the anti-microbial agent” (col. 3, lines 55-58). In fact, Radwanski et al. appears to describe use of partial acrylic and microcrystalline wax coatings for calcium hypochlorite particles where the partially coated anti-microbial agents “exhibited much slower dissolving rate” to provide a desired controlled release of coated anti-microbial agent over time (col. 12, lines 61-67; col. 13, lines 28-37). Therefore, Radwanski et al. teaches away from the present invention. Again, in the present invention a non-ionic binder used has a low affinity for a cationic dual quaternary ammonia anti-microbial agent used and the weak bonds formed are easily broken and the cationic anti-microbial agent is readily released upon being introduced to a water source so that the wipe can readily sanitize a wiped surface in a single-use.

In view of the above reasons, the applicants submit that Radwanski et al. does not anticipate, nor render obvious, the presently claimed invention.

Reconsideration and withdrawal of this rejection is respectfully requested.

It is believed that this application is in condition for allowance, and notice of such is respectfully requested.

If the Examiner believes that a teleconference would be useful in expediting the prosecution of this application, the official is kindly invited to contact the applicants’ representative of record indicated below.

Respectfully submitted,

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